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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 * * *

10 UNITED STATES OF AMERICA,
11 Plaintiff,

12 vs.

13 TERRENCE WILLIAM MCFARLAND,
14 Defendant.

Case No.: 2:15-cr-00055-APG-PAL

STIPULATION TO CONTINUE
ARRAIGNMENT AND PLEA
(First Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and Phillip N. Smith, Assistant United States Attorney, counsel for the United States
18 of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Assistant Federal
19 Public Defender, counsel for Terrence William McFarland, that the arraignment and plea currently
20 scheduled on Thursday, March 26, 2015 at 3:00 p.m., be vacated and be continued to a date and time
21 convenient to the Court, but no earlier than forty five (45) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. The defendant is not in custody and does not oppose the request for a continuance.
24 2. The defendant's mental health counselor, Jolene Peterson, has diagnosed the
25 defendant with major depressive disorder. She also advised that the defendant is suicidal. Ms.
26 Peterson advised that it would be detrimental to her treatment of the defendant to require him to
27 travel at this time and thereby interrupt his treatment.
28 3. Denial of this request for continuance could result in a miscarriage of justice.

1 4. The additional time requested by this Stipulation is excludable in computing the time
2 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
3 States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),
4 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

5 This is the first request for a continuance of the arraignment and plea.

6 DATED this 19th day of March, 2015.

7
8 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN,
United States of Attorney

9 /s/ Brian Pugh
10 By: _____
 Brian Pugh
11 Assistant Federal Public Defender

 /s/ Phillip N. Smith
12 By: _____
 Phillip N. Smith
13 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 2:15-cr-00055-APG-PAL

Plaintiff,

vs.

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

Terrence William McFarland,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is not in custody and does not oppose the request for a continuance.
2. The defendant's mental health counselor, Jolene Peterson, has diagnosed the defendant with major depressive disorder. She also advised that the defendant is suicidal. Ms. Peterson advised that it would be detrimental to her treatment of the defendant to require him to travel at this time and thereby interrupt his treatment.
3. Denial of this request for continuance could result in a miscarriage of justice.
4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the arraignment and plea.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
2 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),
3 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and
4 3161(h)(7)(B)(iv).

5 **ORDER**

6 IT IS THEREFORE ORDERED that the arraignment and plea currently scheduled
7 on Thursday, March 26, 2015 at 3:00 p.m., be vacated and continued to
8 May 7, 2015 at the hour of 3:00 p.m.;

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10 DATED this 23rd day March, 2015.

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12 
13 UNITED STATES MAGISTRATE JUDGE